

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

EDDIE L. WILLIAMS,

Plaintiff,

v.

HENRY RICHARDS,

Defendant.

Case No. C05-5169 RBL/KLS

REPORT AND RECOMMENDATION

NOTED FOR: JUNE 30, 2006

This 42 U.S.C. § 1983 Civil Rights has been referred to United States Magistrate Judge Karen L. Strombom pursuant to Title 28 U.S.C. § 636(b)(1) and Local MJR 3 and 4. This action was filed on March 9, 2006. (Dkt. # 5). Plaintiff makes several references in the complaint to medical treatment for heart conditions, diabetes and prescription services, but nowhere in the complaint does Plaintiff indicate that he has personally suffered any injury. Plaintiff was ordered by this court to amend his complaint, but has failed to do so.

DISCUSSION

Plaintiff was originally ordered to amend his complaint by March 3, 2006. (Dkt. # 15). Rather than amend his complaint, plaintiff appealed the court's order to the district court. (Dkt. # 16). Judge Leighton ordered the plaintiff to file an amended complaint by April 21, 2006, or face dismissal of his action. (Dkt. # 17). In response to that order, plaintiff requested an attorney. (Dkt. # 18). That request was denied. (Dkt. # 19). However, the court extended plaintiff's deadline to file an amended complaint

1 until June 2, 2006. (Dkt. # 19). Plaintiff has failed to comply with this latest deadline and has sought no
2 extension of time within which to comply with the court's deadline.

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4 CONCLUSION

5 The court recommends the action be **DISMISSED WITH PREJUDICE** for the reasons stated
6 in the order to amend and for failure to comply with a court order. (Dkt. # 19). A proposed order
7 accompanies this Report and Recommendation.

8 Pursuant to 28 U.S.C. § 636(b)(1) and Rule 72(b) of the Federal Rules of Civil Procedure,
9 the parties shall have ten (10) days from service of this Report to file written objections. *See also*
10 Fed. R. Civ. P. 6. Failure to file objections will result in a waiver of those objections for purposes of
11 appeal. Thomas v. Arn, 474 U.S. 140 (1985). Accommodating the time limit imposed by Rule
12 72(b), the clerk is directed to set the matter for consideration on **June 30, 2006**, as noted in the
13 caption.

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15 DATED this 12th day of June, 2006.

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18 Karen L. Strombom
19 United States Magistrate Judge
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